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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,858	07/03/2001	Steve Guzorek	23635-018137	3556

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EXAMINER

CHOI, JACOB Y

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/898,858

Applicant(s)

GUZOREK, STEVE

Examiner

Jacob Y Choi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 8, 9, 11, 12, 13 & 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bach (USPN 5,894,130).

Regarding claim 1, Bach discloses a power unit (46, 48), the power unit having an electrical switch for operating the ultra-violet lamp (22, 24) and a socket (50, 60) for coupling the ultra-violet lamp to the electrical switch, and a mounting bracket (62, 53) having a front surface, a back surface, and a lever (36, 37), the lever having a switch-engaging portion and a biasing portion (the cartridges are configured to automatically de-energize the lamps when a lamp cartridge is removed from the housing) wherein, when the bracket is mounted on an air duct (Figure 1), the biasing portion of the lever biases the switch-engaging portion such that, when the power unit is mounted to the mounting bracket, the lever engages the switch.

The functional limitation that "the lever having a switch-engaging portion and a biasing portion wherein, when the bracket is mounted on an air duct, the biasing portion of the lever biases the switch-engaging portion such that, when the power unit is

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mounted to the mounting bracket, the lever engages the switch" has not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC § 112, 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. *In re Fuller*, 1929 C.D.172; 388 O.G. 279.

Regarding claim 2, Bach discloses the mounting bracket further comprises an aperture (Figure 6b) for mounting the ultra-violet lamp therethrough.

Regarding claim 4, Bach discloses the mounting bracket further comprises a collar for coupling the power unit thereto.

Regarding claim 8, Bach discloses the lever further comprises a coupling portion.

Regarding claim 9, Bach discloses the mounting bracket assembly further comprises a sight hole (54, 56).

Regarding claim 11, Bach discloses the mounting bracket further comprises one or more steps for guiding the mounting of the power unit with respect to the mounting bracket.

Regarding claim 12, Bach discloses the power unit further comprises a housing.

Regarding claim 13, Bach discloses the power unit further comprises a ballast (46, 48).

Regarding claim 14, Bach discloses the power unit further comprises a switch channel (Figure 8).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 7, 10, 15 & 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bach (USPN 5,894,130)

Regarding claim 5, Bach discloses the claimed invention, explained above. In addition, the collar further comprises one or more lips for engaging the lamp cartridges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lamp cartridges of Bach to include power unit, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 6, Bach discloses the claimed invention, explained above. In addition, Bach discloses the lamp cartridges further comprise a collar for coupling the mounting bracket thereto. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lamp cartridges of Bach to include power unit, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 7, Bach discloses the claimed invention, explained above. In addition, Bach discloses the collar further comprises one or more lips for engaging the mounting bracket.

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Regarding claim 10, Bach discloses the claimed invention, explained above. Bach discloses the claimed invention except for the sight hole further comprises a lens. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a lens member to allow a user to observe whether energized ultraviolet lamps within a system are functioning properly. In addition, aperture of Bach appears that the invention would perform equally well with or without the specific lens member being added to the aperture.

Regarding claim 15, Bach discloses the power unit further comprises one or more ridges for guiding the coupling of and limiting the sliding of the handle (42, 44) with respect to the mounting bracket. It would have been obvious matter of design variation to modify coupling method of Bach to a rotating the handle with respect to the mounting bracket, since applicant fails to disclose any advantage obtained nor any problem solved by utilizing rotation method where sliding method of Bach appears that the invention would perform equally well. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lamp cartridges of Bach to include power unit, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claims 16-20, Bach discloses the structural limitations of claimed invention, as explained above. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Therefore, it is obvious that Bach would disclose the

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methods of providing a power unit having an electrical switch for operating the ultra-violet lamp and a socket for coupling the ultra-violet lamp to the electrical switch, providing a mounting bracket having a front surface, a back surface, and a lever, the lever comprising a switch-engaging portion and a biasing portion wherein, when the bracket is mounted to the air duct, the biasing portion of the lever biases the switch-engaging portion such that, when the power unit is mounted to the mounting bracket, the lever engages the switch, removing a portion of the air duct for mounting the ultra-violet lamp therethrough, attaching the mounting bracket to the air duct such that the biasing portion of the lever biases the switch-engaging portion such that, when the power unit is mounted to the mounting bracket, the lever engages the switch, mounting the ultra-violet lamp to the lamp mounting portion of the power unit, and mounting the power unit to the mounting bracket such that the ultra-violet lamp extends into the interior of the air duct and the lever engages the electrical switch, the mounting bracket further comprises an aperture for mounting the ultra-violet lamp therethrough, the lever is a spring-loaded lever, the lever further comprises a coupling portion, the power unit further comprising a ballast.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bach (USPN 5,894,130) in view of Ullrich (USPN 5,334,905).

Regarding claim 3, Bach discloses the claimed invention except for the lever is spring-loaded. Ullrich teaches that it is known to modify the lever to be spring loaded. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify lamp cartridges having a lever with a spring load system,

connecting the bracket, as taught by Ullrich in order press fit the lamp into the level, electrically connecting the lamp power.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fencl et al. (USPN 6,372,186) – Germicidal lamp for harsh environments

Fencl et al. (USPN 5,866,076) – single ended germicidal lamp for HVAC systems

Anderson (USPN 4,971,687) – apparatus for water treatment

Mazzilli (USPN 5,523,057) – air sterilization and filtration apparatus

Brickley (USPN 5,902,552) – ultraviolet air sterilization device

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.



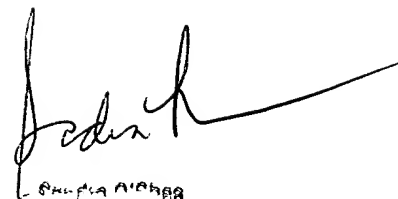
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JC

December 12, 2002



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